

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

THOMAS A. BARTEK,)	CASE NO. 8:13cv352
)	
Plaintiff.)	
)	
vs.)	NOTICE OF REMOVAL
)	
JACKSON NATIONAL LIFE)	
INSURANCE COMPANY,)	
)	
Defendant.)	

COMES NOW Defendant Jackson National Life Insurance Company (“Jackson”), pursuant to 28 U.S.C. § 1441(b), and submits this Notice of Removal of Civil Action (“Notice”), thereby removing this case to the United States District Court for the District of Nebraska.

In support of this Notice, Jackson states and alleges as follows:

Timeliness of Removal

1. Jackson has been named as a defendant in a civil action originally filed on October 30, 2013, in the District Court of Richardson County, Nebraska, Case No. CI13-175, entitled Thomas A. Bartek v. Jackson National Life Insurance Company. A true and correct copy of the Summons and Complaint in this action are attached as Exhibit A to this Notice.

2. Jackson was served with process by certified mail on or about November 4, 2013.

3. This Notice, filed within thirty days of Jackson’s receipt of the summons and Complaint, is timely under 28 U.S.C. 1446(b).

Jurisdictional Basis for Removal

4. This Court has original jurisdiction over the pending civil action under 28 U.S.C. § 1332 on the basis of diversity jurisdiction as the claims in this action are between citizens and residents of different states and Plaintiff's claims place in controversy an amount in excess of \$75,000.00.

5. Plaintiff is a citizen and resident of Richardson County, Nebraska.
(Ex. A, Complaint at ¶ 1.)

6. Jackson is a Michigan corporation with its primary place of business in Lansing, Michigan.

7. In his Complaint, Plaintiff seeks an order directing Jackson to pay a \$400,000.00 death benefit pursuant to a life insurance policy.

8. The alleged value of Plaintiff's claims is apparent from the face of the Complaint. Jackson has therefore met its burden to establish, by a preponderance of the evidence, that the amount in controversy exceeds \$75,000.00 and removal of this case to federal court is warranted.

9. Promptly after the filing of this Notice, Jackson will give Plaintiff written notification of the Notice.

10. A true and correct copy of this Notice will be filed with the Clerk of the District Court of Richardson County, Nebraska.

11. By filing this Notice, Jackson does not waive any defenses, affirmative claims, counterclaims, or third party claims that may be available.

WHEREFORE, because the claims in this action are between citizens of different states and Plaintiff's claims place in controversy an amount in excess

of \$75,000.00, Defendant hereby removes the above-captioned case from the District Court of Richardson County, Nebraska to the United States District Court for the District of Nebraska.

REQUEST FOR PLACE OF TRIAL

12. Jackson hereby requests that trial be held in Omaha, Nebraska.

JACKSON NATIONAL LIFE INSURANCE
COMPANY, Defendant.

By: James M. Bausch #10236
Jonathan J. Papik #24473
CLINE WILLIAMS
WRIGHT JOHNSON & OLDFATHER, L.L.P.
One Pacific Place
1125 South 103rd Street, Suite 600
Omaha, Nebraska 68124
Phone: (402) 397-1700
Fax: (402) 397-1806
jbausch@clinewilliams.com
jpapik@clinewilliams.com

By: /s/ Jonathan J. Papik

CERTIFICATE OF SERVICE

I hereby certify that on the 27th day of November, 2013, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent notice to all counsel of record.

/s/ Jonathan J. Papik

4835-4826-9335, v. 1